

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:  
BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

J. EZRA MERKIN, GABRIEL CAPITAL, L.P.,  
ARIEL FUND LTD., ASCOT PARTNERS, L.P.,  
ASCOT FUND LTD., GABRIEL CAPITAL  
CORPORATION,

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 09-01182 (SMB)

**STIPULATION AND ORDER REGARDING THE  
BRIEFING SCHEDULE FOR DEFENDANTS' MOTION TO REARGUE  
THE COURT'S JANUARY 22, 2018 ORDER EXCLUDING THE  
OPINIONS AND TESTIMONY OF JEFFREY M. WEINGARTEN**

IT IS HEREBY STIPULATED AND AGREED by undersigned counsel for Irving H. Picard ("Trustee"), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC and the consolidated chapter 7 estate of Bernard L. Madoff, Ralph C. Dawson, as Receiver for Defendant Ascot Partners, L.P., and Defendants Ascot Fund Ltd., J. Ezra Merkin, and Gabriel Capital Corporation ("Defendants") in the above-captioned adversary proceeding

that with respect to Defendants Motion to Reargue the Court's January 22, 2018 Order

Excluding the Opinions and Testimony of Jeffrey M. Weingarten filed on February 5, 2018 :

- a. The Trustee's Opposition Brief is due on March 1, 2018;
- b. Defendants' Reply Brief is due on March 15, 2018; and
- c. Oral argument will take place on March 22, 2018 at 10:00AM before the  
Honorable Stuart M. Bernstein, United States Bankruptcy Judge, at the United  
States Bankruptcy Court, Southern District of New York, One Bowling Green,  
New York, New York 10004-1408.

Dated: New York, New York  
February 5, 2018

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*Attorneys for Ralph C. Dawson, as Receiver  
for Defendant Ascot Partners, L.P., and Ascot Fund Ltd.*

**SO ORDERED.**

Dated: February 13<sup>th</sup>, 2018  
New York, New York

/s/ STUART M. BERNSTEIN  
HON. STUART M. BERNSTEIN  
United States Bankruptcy Judge